

Attorney Docket No. 10559-230001
Application No. 09/675,279
Amendment dated June 8, 2004
Reply to Office Action dated March 9, 2004

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, Applicants herewith accept the application as filed without the drawing figures 8b and 9, and following option A set forth by the Examiner.

However, it is respectfully suggested that these drawings do not in fact represent new matter, but rather simply depict the subject matter that is disclosed already within the originally filed specification. Therefore, these drawings are being submitted herewith for addition to the specification. No new matter is added. Acceptance of these drawings is respectfully requested.

Claims 1, 4, 19, 31-34, 38 and 39 stand rejected under 35 USC 102, as allegedly being anticipated by Hazra. However, this contention is respectfully traversed, and for reasons set forth herein, it is respectfully suggested that the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability.

Hazra does teach a system which describes multiple layers of the digital video. However, the system described in Hazra

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does not form specified bandwidth amounts in each of multiple layers, as claimed.

Hazra teaches a base layer that has a specified data rate of 8 Kbps (see, column 6, line 39). The remaining layers are enhancement layers, and the speed of transmission of these enhancement layers are specified.

Claim 1 has been amended to include the limitations of claim 31, which specifies that each of the multiple layers has the same bandwidth. This is clearly not the case in Hazra, who teaches a first enhancement layer at a data rate of 8 kB, and a second enhancement layer at a data rate of 10 kB (see, generally, column 6, lines 43-46). Therefore, it is respectfully suggested that this amendment obviates the rejection, and renders claim 1 allowable.

The rejection states that there is a bandwidth of 10 kB for each of the second and third layers. However, this ignore the teaching in Hazra that there is a different bandwidth for the first layer. Therefore, it is clear that Hazra does not suggest the same bandwidth for each of the layers as claimed; and in fact at least one of the layers have a different recited bandwidth.

Claim 32 has been amended to depend from claim 1, since the limitations of former claim 31 are now included in claim 1.

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Claim 32 specifies forming multiple layers that each have the same number of digital ones. The rejection states that the second and third enhancement layers will inherently have the same number of digital ones. Hazra teaches the data rate being the same, but never teaches that the enhancement layers have the same number of digital ones. Therefore, it is respectfully suggested that claim 32 should be further allowable over the cited prior art.

Claim 4 has been similarly amended to include the limitations of claim 33 therein, and claim 7, along with dependent claim 34, should be allowable for similar reasons to those discussed above.

Claims 7, 13, 16 have each been amended to include additional limitations. Specifically, while Hazra does teach that the second and third enhancement layer carried out at a specified data rate, there is no teaching or suggestion that these layers have the same number of digital ones. The only teaching is that they are carried out at a specified rate.

The dependent claims which are not specifically discussed herein should be allowable for similar reasons to those discussed above with respect to the respective been.

It is respectfully suggested that it should obviate all of the remaining issues in the case.

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It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,



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